

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

APR 10 2012

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

v.

CAIN GUAJARDO

a/k/a Abel

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§
§

CASE NO: H-12-159S

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Conspiracy to Distribute a Controlled Substance)

From on or about June 13, 2010 up and through June 28, 2010, in the Houston Division of the Southern District of Texas and elsewhere, the defendant,

CAIN GUAJARDO a/k/a Abel

knowingly and intentionally did combine, conspire, confederate, and agree with others known to the Grand Jury, to commit an offense defined in Title 21, United States Code, Section 841(a)(1), that is, to distribute a controlled substance. The overall scope of the conspiracy involved five (5) kilograms or more of a mixture and

substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1) and 841(b)(1)(A)(ii).

COUNT TWO
(Distribution of a Controlled Substance)

On or about June 14, 2010 in the Houston Division of the Southern District of Texas, and within the jurisdiction of this Court,

CAIN GUAJARDO

defendant herein and others known and unknown, did knowingly and intentionally commit an offense defined in Title 21, United States Code, Section 841(a)(1), namely, to distribute a controlled substance. This offense involved more than five (5) kilograms of a mixture or substance which contained Cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(ii) and Title 18, United States Code, Section 2.

NOTICE OF CRIMINAL FORFEITURE

Pursuant to Title 21, United States Code, Section 853, and as a result of the commission of a violation of Title 21, United States Code, Sections 841(a)(1) and 846, as charged in counts one and two, notice is given that the defendant Cain Guajardo shall forfeit:

- (1) any property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as the result of such violation; and
- (2) any of the defendant's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

The property subject to forfeiture includes, but is not limited to, real property located at 1818 Allen Genoa Road, Houston Texas 77017:

Unrestricted Reserve "A", of K7O Addition, a Subdivision in Harris County, Texas, according to the map or plat thereof recorded on the Map Records of Harris County, Texas, being more particularly described as 3.968 acres of land being out of a 7.0852 acre tract, out of lot 14 of the Gray and Elmens Subdivision, situated in the John Webster Surey, Abstract 865, recorded in Volume 96, Page 351 of the Deed Records of Harris County; and


In the event that property subject to forfeiture as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;


- b. has been transferred or sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States will seek forfeiture of any other property of the defendant up to the value of such property pursuant to 21 U.S.C. §853(p).

A TRUE BILL:


Original Signature on File

FOREMAN OF THE GRAND JURY

KENNETH MAGIDSON
United States Attorney
BY: 

BERTRAM A. ISAACS
Assistant United States Attorney